

BOARD OF SELECTMEN
Tuesday, February 25, 2014

A meeting of the Rockport Board of Selectmen was held on Tuesday, February 25, 2014 at 6:15 pm with four selectpersons (Selectperson Murphy was not present), the Town Administrator and the Asst. to the Town Administrator.

6:15 Meeting Called to Order

Executive Session – Strategies with Respect to Anticipated Litigation, Collective Bargaining, and Value of Real Property: Executive Session – Litigation, Collective Bargaining, and Real Property: Selectperson Lucas moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3: to discuss strategy with respect to anticipated litigation and with respect to Collective Bargaining, and Exception #6 to discuss strategy with respect to Real Property, Selectperson Wilkinson seconded, roll call vote: Selectperson Lucas – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, Chairperson Battistelli – aye, Vote: 4-0.

Executive Session:

Motion to enter
Executive Session,
Roll call vote,
All in favor
Vote: 4-0

Chairperson Battistelli said we are entering executive session because, by not doing so, it would be detrimental to the Town's litigating and bargaining positions; we will reconvene in Open Session.

Selectperson Sheedy moved that the Board leave Executive Session, Selectperson Wilkinson seconded, roll call vote: Selectperson Lucas – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, Chairperson Battistelli – aye, Vote: 4-0.

Leave Executive
Session
Roll call vote,
All in favor
Vote: 4-0

7:15 Pledge of Allegiance and Moment of Silence

Approval of Minutes of February 4, 2014: Selectperson Wilkinson moved that the Board of Selectmen approve the minutes of February 4, 2014, Selectperson Sheedy seconded, Vote: 4-0.

Approval of 2/4/14
Minutes
Motion Approved

Selectmen Updates and Liaison Reports:

- Selectperson Lucas stated that she went to the music at the Motif. She said some of the events were cancelled due to bad weather. She commented that a lot of people attended and it was nicely done.
- Chairperson Battistelli stated that she attended a presentation by a middle school group (7th Grade Science) on sea level rising; she said they did a super job. Selectperson Lucas stated that the kids volunteered to assist with applying for grants.
- Chairperson Battistelli said the Tool Company owners did get a response back to the state. She stated that Ben Lynch/DEP is swamped right now, but he understands the priority to review the information regarding public access, protection of the public harbor and that we want to move something along on this project and get this property back on the tax rolls. He indicated that there are concerns about the responses and whether those responses comply with the regulations. He will respond and copy the Board of Selectmen on his response.

Selectmen Updates
& Liaison Reports

Music at the Motif

Middle School
Presentation

Tool Company

Public Comment Period:

Public Comment
Period:

Middle School
Presentation

Tool Company

- T. Tarr, 154 Main St., also commented on the Middle School presentation; he said the environment is very important to us. He agreed that the harbor music was interesting, but chilly out there.
- T. Arsenian, 95 Granite Street, said he was glad about DEP waterways communication but it's not good enough. He said the public hearing was held here last 5/7/13; the ruling was supposed to be within 60 days. He said they are making alterations to the plans; the whole process is skewed at the expense of the public. He stated that there is a mysterious water related use that is not part of the application. He would like to see a second public hearing, if they're not willing to do that, he is requesting that the Board of Selectmen have one anyway and send a copy of the tape to the DEP. Chairperson Battistelli said the information is public to anybody. She said the only information since November of 2013 is a response from the property owner to the state, and that is available to anyone who wants to see it; this is in the state's hands at this time.

Town Administrator's Report:

Town
Administrator's
Report

- M. Vieira said the walk through at Long Beach has taken place. The DPW left with a list of repairs; they reviewed the public paths and mapped out remaining parking spaces so each cottage will have two assigned spaces.
- PeopleForms (GIS programs and maps system that Rockport is using) training has taken place, they have many forms that are available, and we're looking at options for a citizen inquiry form to share information.
- The website contract is signed and soon the design phase will begin.
- Master building plan - DRA architects is gathering some data so a schedule can be developed.
- Priority forms for Senator Tarr's office. The Town Administrator said roadways are a priority, as well as Coastal infrastructure, MBTA, and the Long Beach seawall. Chairperson Battistelli said regarding the MBTA there were some concerns on the substation, the new design and construction cost more than anticipated.
- The Dog Officer has encountered some coverage challenges because the Asst. Dog Officer doesn't share coverage. The Asst. conducts beach patrols, performs office tasks, etc. When the dog officer is not immediately available, there is not a rapid response. The existing dog officer said she has some individuals that may be interested in helping out with coverage. It was commented that in the past there was an animal control officer at the police station; this was not a separate position but a part of someone's job. It was questioned if an Animal Control Officer should be added; this may have to wait for FTM due to the short timeframe. The role of the Asst. Dog Officer needs to be reviewed; more information is needed before any action can be taken. Both the Dog Officer and the Asst. Dog Officer are paid by stipend.
- Comcast license renewal. Last time this was regional; we may want to do that again rather than doing it alone (Manchester, Essex, and Gloucester are interested in doing it together).
- The Assessor's and the Building Inspector's office received a thank you from a resident because they were very helpful.
- After the warrant is closed only the Board of Selectmen can add Articles. The disposition of town owned properties (59 High Street, 8 Marmion Way, and 33 Atlantic Avenue) was discussed. An Article would give the Board of Selectmen permission to do something with the properties. The Town Administrator said the article should be specific on what is being proposed.

8:00 Selectperson Lucas left the meeting.

Appointment of Stephen Fritch for the Harbor Advisory Committee: Selectperson Wilkinson moved that the Board of Selectmen appoint Stephen Fritch as a member of the Harbor Advisory Committee for a term to expire on June 30, 2016, Selectperson Sheedy seconded, Vote: 3-0.

Appointment of S. Fritch to Harbor Advisory Committee
Motion Approved

Appointment of Dana Jorgensson for the Harbor Advisory Committee: Selectperson Sheedy moved that the Board of Selectmen appoint Dana Jorgensson as a member of the Harbor Advisory Committee for a term to expire on June 30, 2016, seconded by Selectperson Wilkinson, Vote: 3-0.

Appointment of D. Jorgensson to Harbor Advisory Committee
Motion Approved

Old Farm Inn/Supportive Living Assignment of Grant: Selectperson Wilkinson moved that the Board of Selectmen approve and sign the "Assignment and Assumption of Grant Agreement" dated February 18, 2014 that assigns the Community Preservation Act Grant Agreement for Supportive Living, Inc. dated August 15, 2013 to Old Farm of 291 Granite St. in Rockport, Selectperson Sheedy seconded, Vote: 3-0. M. Vieira said the Old Farm is going to be carrying out the work; Town Counsel has drafted the agreement; it has been approved and signed.

Old Farm Inn/Supportive Living Assignment of Grant
Motion Approved

Fiber Optics Network Contract: Selectperson Sheedy moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with Comm-Tract Corporation of 235 Summer Road in Boxborough, Massachusetts for the provision and associated services of the Fiber Optic Municipal Area Network in the amount of \$131,160 less a 5% discount of \$6,558 for a total of \$124,602, Selectperson Wilkinson seconded, Vote: 3-0.

Fiber Network Contract
Comm-Tract
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with LCN Networks of 260 Libbey Parkway in Weymouth, Massachusetts in an amount not to exceed \$24,000, to upgrade the town hall system, seconded by Selectperson Sheedy, Vote: 3-0

LCN Networks Contract
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with LCN Networks of 260 Libbey Parkway of Weymouth, Massachusetts in an amount not to exceed \$43,002.10 to install the town hall phone system, seconded by Selectperson Sheedy, Vote: 3-0

LCN Networks Contract
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with LCN Networks of 260 Libbey Parkway of Weymouth, Massachusetts in an amount not to exceed \$29,000 to install the Cat 6 structured cabling system and fit out the data center in the Annex; seconded by Selectperson Sheedy, Vote: 3-0.

LCN Networks Contract
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with Focus Technology Solutions, Inc. of 93 Ledge Road in Seabrook, New Hampshire in an amount not exceed \$24,516 to provide a storage area network device and associated installation services, seconded by Selectperson Sheedy, Vote: 3-0.

Focus Technology Solutions Contract
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with Dell, Inc. of 1 Dell Way, Round Rock, Texas in an amount not to exceed \$17,879.01 for the provision and associated services of a 2 rack-mounted servers and software, seconded by Selectperson Sheedy, Vote: 3-0.

Dell, Inc. contract
Motion Approved

Action List con't		Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with BCPI, Inc., of 6 Merchant Street of Sharon, Massachusetts in an amount not to exceed \$13,935 for the provision of two back-up servers, seconded by Selectperson Sheedy, Vote: 3-0.
BCPI Contract Motion Approved		
Ricoh USA, Inc. Contract Motion Approved		Selectperson Wilkinson moved that the Board of Selectmen approve and ask the Chairperson to sign a contract with Ricoh USA, Inc., at P. O. Box 827577 in Philadelphia, PA, in an amount not to exceed \$22,227 for the provision and associated services of an all-in-one scanner/copier and document storage system for DPW, seconded by Selectperson Sheedy, Vote: 3-0.
Vote on STM Articles Motion Approved		Vote on STM and ATM Articles: STM Articles: Selectperson Sheedy moved that the Board of Selectmen vote to include Articles A through R on the April 5, 2014 Special Town Meeting Warrant as described in the STM Warrant draft dated 2/25/14, Selectperson Wilkinson seconded, Vote: 3-0.
Vote on ATM Articles Motion Approved		ATM Articles: Selectperson Sheedy moved that the Board of Selectmen vote to include Articles 1through 6B and Articles A through U on the April 5, 2014 Annual Town Meeting Warrant as described in the ATM Warrant draft dated 2/25/14, Selectperson Wilkinson seconded, Vote: 3-0.
Vote to include an article on disposition of tax title property Motion Approved		Selectperson Wilkinson moved that the Board of Selectmen include an article on the disposition of the tax title property to the Town meeting on April 5, 2014, seconded by Selectperson Sheedy, Vote: 3-0.
8:30	<u>Selectmen Briefing</u>	
Selectmen Briefing		Town Reunion at Evan's Field: Jon Cavanaugh and Claire Franklin said they were asked to get in touch with the DPW on the use of the field; they contacted J. Parisi. They said C. A. Brewery will be selling alcohol, identifications will be inspected as people come in and then again along the way; anyone younger than 21 will be wearing white wristbands. Only beer and wine will be offered. Caterers are being contacted as well as a winery in Middleton/Danvers. New Year's Rockport Eve may need to apply for a permit to serve alcohol. The Chief of Police, the DPW and perhaps the fire department and ambulance should be contacted for safety purposes. Several nurses are assisting in the organization of this event, having a first aid station is being discussed. M. Vieira said this is a very busy weekend for all three groups, the ambulance, fire and police. There was a concern of damaging the field; C. Franklin said an insurance policy will cover liability; she stated that there will be no truck traffic and they've had other events on the field and there has never been any damage.
Town reunion at Evan's Field		
Add this to tonight's agenda Motion Approved		Selectperson Wilkinson moved to add to the agenda tonight a vote on the Rockport Reunion on 7/5/14, seconded by Selectperson Sheedy, Vote 3:0
Permission to hold reunion on Evan's Field Motion Approved		Selectperson Wilkinson moved to give permission to the Rockport Reunion Committee to use Evan's Field for the purposes of a Rockport reunion on Saturday, 7/5/14. The event will be from 11am to 9pm with set up and cleanup until 11pm, seconded by Selectperson Sheedy, Vote: 3-0, pending working with the Board of Selectmen's office and the DPW.
FY '13 Audit		FY13 Audit: Renee David from Powers and Sullivan presented the year-end audit for FY '13. They are here to review the draft results. No materials weaknesses or deficiencies were identified. The Management letter has some recommendations and a follow-up to

last year's recommendations around efficiencies. This is the second year of Powers & Sullivan conducting the audit.

Single audit risk assessment is necessary when there is over \$1,000,000 in federal expenditures. This year includes FEMA funds for the Millbrook dam repairs. There were no findings; it's a clean report.

She said that under Title 1, the schools don't have access to the town's ledger for reporting school expenditures. What the school is reporting isn't always what the town is reporting.

Last year's recommendations had some activity. The ambulance A/R comment was resolved. The upgrading of the G/L system was not, some comments are pending. There is still no purchase order system tied to the G/L system. The purchase orders are not running through the general ledger system and not coming off the appropriations.

For the school system, year-end reconciliations are made, but all year long they don't know where they stand. They should be charging the grant and charging school choice as they go.

Three new comments for this year: 1) Develop a formal disaster recovery plan (off-site backups) if something happens in town, duplicate servers, etc. and regular testing of the system. 2) Fixed asset reporting, they have to be compiled at the end of each year. The town doesn't have a good system to identify what assets are no longer in place. 3) Budgetary control – they found that some of the budgetary transfers approved at Town Meeting didn't make it during the fiscal year. The recommendation is that after every town meeting; make sure that all items approved are in the budget.

Informational Comment: This is not specific to Rockport regarding OPEB trust fund and liability. Over the next year (FY'15), with the new accounting standards, we will see the town's share of the liability. We will need to coordinate with the Essex Regional Retirement Board; they will provide the information that is needed in time. At a later date health insurance for retirees will be reported as well. There will be a really large negative number on the financial statements. Towns should continue to ask themselves if they are putting sufficient funds in on a regular basis.

9:00 Discussion Items

Discussion Items:

CATA Pilot Program Hours: this will be postponed; Selectperson Wilkinson will provide the information at an upcoming meeting. The Town Administrator said it may not be on the next agenda.

CATA Pilot Program
Hours
Postponed

Street Performers Licenses: Chairperson Battistelli said she believes that these licenses have taken on something that they probably were not intended for. The policy allows for two performance locations. Some individuals may not care to be entertained when visiting downtown Rockport. Perhaps taking a break and not issuing any licenses for a period of time and/or limiting the number of hours a performer can perform would be beneficial.

Street Performer's
Licenses

STM

Article A: transfer funds to balance the budget
Article B: pay any prior bills

Article C: close cemetery water lines account and reallocate to cemetery perpetual care fund
Article D: close out old accts, Pigeon Hill standpipe account and change purpose
Article E: close out video camera capital account and transfer into inflow account
Article F: transfer the funds from Article 6B from odor control to the Dock Square pump station odor control capital account
Article G: expand purpose of former vote funds DPW site engineer and include design and construction
Article H: National Grid utility and access easements to Bedrock Well
Article J: combining several old articles fire stations – to single roof (CIPC notes need to be checked)
Article K: \$780,000 for storm damage repairs Pigeon Cove seawall
Article L: borrow \$1,660,000 mitigation work Pigeon Cove Seawall
Article M: borrow \$150,000 for storm damage repair Granite Pier Revetment
Article N & O: deficits created by FEMA not funding all that was needed (\$112,500.25) on Granite Pier revetment project, (\$8,338.71) – negative balances on the books.
Article P: \$87,000 storm damage for back beach seawall
Article Q: to balance Community House Construction Project
Article R: to grant access and sewer easement to George Ramsden, 176 Main Street

ATM:

Articles 1-5B: standard Articles, borrowing, etc. for the payment of prior bills
Article 4 Compensation Schedules, approved by Personnel Board
Article 5: operating budget, 5A water, 5B sewer enterprise
Article 6: Capital budgets
Article 6a: Water Enterprise
Article 6b: Sewer Enterprise

Article A: Chapter 90 funds for roads
Articles B –E: direct funds to Action, Senior Care, Open Door, etc.
Article F: funding unions
Article G: standard article, use of free cash \$75,000 to pay for state mandated property revalues for the assessors
Article H: free cash \$100,000 general stabilization fund
Article I: \$150, 000 capital reserve stabilization
Article J: amount for OPEB
Article K: free cash to capital technology acct
Article L: establish special SPED stabilization acct
Article M: Proposition 2-1/2 exclusion for school override (no amount yet)
Article N: special legislation, exempt police chief from civil service
Article O: Requesting that the Board of Selectmen lease for 30 years for remaining 2 structures and some land on Straitsmouth Island, (Mass Audubon).
Article P: Repurposing CPA monies (\$25,000) for Thacher Island Assoc. for repairs to Straitsmouth Lighthouse, but because funding was received in fundraising, the CPC voted to change to other 2 other structures \$25,000.
Article Q: tax title properties
Article R: zoning by-law amendment, coastal flood plain district
Article S: Petition on swap shop & metal piles
Article T: hear report of the Adhoc Water Supply Committee
Article U: accept the reports of all officers

Other Business:

Selectperson Wilkinson said several people have contacted questioning who is responsible to shovel the sidewalk in front of their home. The Town Administrator said the homeowner is responsible for clearing debris, but not sure if this includes snow. Selectperson Sheedy said this could be a state statute. T. Arsenian, 95 Granite Street, said in the by-laws it is not enforceable; fire hydrants are a concern as well.

9:30 Selectperson Sheedy moved to adjourn, seconded by Selectperson Wilkinson, Vote: 3-0.

Warrant signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 2/27/14 in the amounts of \$117,902.83 and \$395,565.24 respectively.

Items signed:

Dell, Inc. contract

BCPI, Inc.

Focus Technologies

Ricoh, USA

LCN Networks \$27,550

LCN Networks \$40,852

LCN Networks \$66,584.93

LCN Networks \$22,800

Comm-Tract Corp, \$124,602.00

Supportive Living Agreement

Two Brother's Coffee, Common Victualler's License